

Response to Comments

CVPIA received four comment letters pertaining to the 2015 CVPIA Annual Work Plan and five individuals provided comments orally or in writing during the July 31, 2014, Public Meeting.

Letter 1: Golden Gate dated August 13, 2014 Salmon Association to Dan Castleberry, U.S. Fish and Wildlife Service

Comments from Golden Gate Salmon Association were specifically addressed to Dan Castleberry and not to the CVPIA Program. The Regional Director's Office of the Fish and Wildlife Service will manage the response as an effort separate from the Annual Work Plan.

Letter 2: Central Valley Joint Venture (CVJV), dated September 2, 2014

CVJV Issue #1: Program completion (specifically in regard to refuges) is not discussed. At what point will delivery of Full Level 4 Water be able reach all refuges?

Response: The scope of this comment exceeds the purposes of the Annual Work Plan. Long-term activities should be coordinated through the Refuge Stakeholder Technical Team. Please contact Tim Rust, (916) 978-5516 or trust@usbr.gov for participation in planning water supplies for all refuges.

CVJV Issue #2: "Schedule all tasks required for program implementation and demonstrate progress towards goals." There should be a detailed, long term schedule for program completion that includes cost & benefits of projects.

Response: See CVJV Issue 1. Additionally, the Annual Accomplishment Reports available at www.usbr.gov/mp/cvpia show the progress towards goals.

CVJV Issue #3: "Transparently execute and document decisions and tradeoffs." CVPIA should engage stakeholders more directly for planning and program prioritization.

Response: Planning currently occurs at a Program Level with individual Programs responsible for stakeholder outreach on specific activities. Although no longer possible for 2015, Reclamation and the Service will explore methods for overall CVPIA coordination in Fiscal Years 2016 and 2017.

CVJV Issue #4: "Provide for full Level 2 conveyance." CVPIA should be fully funding actions to achieve full Level 2 supplies. Additionally, the Program appears to be covering the

cost to convey both Level 2 and Level 4 supplies using Restoration Funds even though one is reimbursable and the other is not.

Response: Estimates for conveyance costs used the elevated prices from water conveyance in 2014. We believe that this conservative approach is reasonable and accurately reflects potential budget conditions and balances planning needs. A water year with a higher allocation would likely reduce conveyance costs and allow for greater deliveries. We believe that a balanced approach between immediate deliveries and long-term water supplies provides a better approach to allocating funds given limited budgets. We are open to considering reducing other refuge activities to meet level 2 conveyance requirements as the fiscal year progresses.

The reimbursability of expenditures does not restrict the source of funding.

CVJV Issue #5: “Explicitly address budget decisions, prioritization across programs, and funding inadequacies for critical project needs.” CVPIA should disclose how budget decisions are made within programs and among programs. Additionally, because funding is needed for projects to carry programs to completion, CVPIA should not consider reductions to the Restoration Fund.

Response: Please see response to issue #3. Efforts to coordinate the Finance Plan are currently suspended due to pending litigation.

CVJV Issue #6: “Describe potential, cumulative impacts of administrative process.” CVPIA should provide a clear description of how all administrative processes that affect the Annual Work Plans come together.

Response: We believe we can include this for fiscal years 2016 and 2017 as we attempt to address issues #3 and #5.

Letter 3: San Luis & Delta-Mendota Water Authority (SLDMWA), dated September 2, 2014

SLDMWA Issue #1: CVPIA needs to prioritize projects that provide direct benefit to increase the natural production of Chinook salmon and reduce costs to administration, staffing and studies that do not result in real habitat restoration. In addition, the CVPIA program should increase stakeholder involvement. Many projects have already been prioritized by GGSA, NMFS recovery plan and others, and CVPIA should increase funding to these already-prioritized projects.

Response: Reclamation and the Service have drafted an Implementation Plan for the Fish Resource Area using a “Structured Decision Making” framework in coordination with DFW,

DWR, and NMFS. The framework includes an explicit process for coordinating the stakeholders and existing programs. We anticipate roll out in the Fall of 2014 for stakeholder feedback and participation in further development.

SLDMWA Issue #2: Annual Work Plan project charters should include objectives and purposes, a rationalization for funding level, and CVPIA metrics that are anticipated to be accomplished by each project.

Response: Each Charter after the text section includes a narrative that describes the objectives and purpose. The Resource Table provides the justification for the funding level. We believe we can incorporate metrics for 2016, but cannot make that modification in the current version.

SLDMWA Issue #3: Past AWP described land acquisitions but this plan does not describe why land acquisition has not been completed. CVPIA should explain how land acquisition projects prioritize over fishery projects and how they add to CVPIA goals.

Response: Two Programs address land acquisition—Land Retirement Program and Habitat Restoration Program. A complete description of both programs can be found in the AWP.

The Land Retirement Program was deemed completed by the Area Office Manager in FY2014. The LRP is currently transferring ownership of acquired lands at the Atwell and Tranquility Island sites to the Bureau of Land Management for long-term conservation management. This Program is not scheduled for CVPRF in FY 2015.

The Habitat Restoration Program is a commitment in the CVPIA Program EIS as mitigation for renewal of long-term water contracts. The Habitat Restoration Program is a complimentary program with the fisheries provisions. Land acquisition continues to be the highest priority for the HRP because of the vast number of acres that were impacted by the CVP that have yet to be fully compensated for; studies have approximated the acreage impacted to be around 2.7 million acres. Land acquisition projects do not have priority over fishery projects. The AFRP funds fishery-related projects. The HRP funds terrestrial projects (i.e., non-fishery projects including land acquisitions) based on language stated in the CVPIA: The HRP implements Section 3406 (b)(1) “other,” which directs and authorizes the Secretary of the Interior to: *“make all reasonable efforts consistent with the requirements of this section to address other identified adverse environmental impacts of the Central Valley Project [CVP] not specifically enumerated in this section.”* These “other” impacts relate to non-fishery impacts, since requirements for fishery impacts are already enumerated in Section 3406 (b)(1). Land acquisition projects add to the CVPIA goals by protecting native habitats that are critical to the protection and recovery of populations of federally listed species that were impacted by the CVP.

SLDMWA Issue #4: CVPIA should prioritize, communicate and implement the 289 actions and evaluations contained in the AFRP Final Restoration Plan.

Response: The provisions under section 3406(b) reflect actions under the Final Plan for the AFRP. AFRP tracks these 289 actions and reports their progress in their annual accomplishment reports to Congress.

SLDMWA Issue #5: CVPIA should explain why SJRRP and TRRP derive funding from the Restoration Fund.

Response: Title X of Public Law 111-11 directed funding not to exceed \$2 million per year (October 2006 price levels). The stated purpose of the CVPIA included the Trinity River Basin.

SLDMWA Issue #6: CVPIA should explain the rationale behind acquiring 200,000 AF for fisheries. Also, CVPIA should include water acquisition in future project prioritization.

Response: Water acquisition is described in the Program EIS. Water acquisition for refuges will be included under the Refuge Water Supply Program and coordinated with water acquisition for Instream flows under the Fish Resource Area.

SLDMWA Issue #7: CVPIA should utilize the DWR study of acoustic tags as they are digested by striped bass and further studies, if needed by CVPIA, should enhance and build off the DWR study.

Response: This field study is jointly undertaken by DWR and USBR and will continue by both agencies through FY2015.

SLDMWA Issue #8: CVPIA should explain the benefits to the various types of monitoring in Clear Creek and provide justification for the monitoring. CVPIA should explore ways to consolidate monitoring with other programs and reduce monitoring frequency.

Response: In 2015 the CVPIA Clear Creek Restoration Program proposes to monitor four elements:

1) Geomorphic monitoring before, during and after flow events will be used to evaluate if high flow events are achieving desired outcomes of creating and maintaining quality salmon habitat. It is uncertain if the high flows will be effective and the biological response to the flows will take a long time to develop. Geomorphic monitoring can provide a more direct and immediate evaluation of project success than biological monitoring. The monitoring will also evaluate the effectiveness of spawning gravel and stream channel restoration projects.

2) Rotary screw traps are used to estimate the number of juvenile spring Chinook salmon produced every year. These juvenile production estimates are used to evaluate if the water releases, stream temperatures and habitat restoration are producing more fish. CVP flow management is used to reduce summer water temperatures in Clear Creek. Warm water temperatures can lead to mortality of early life stages of Chinook, which is reflected in the juvenile production estimates. Production estimates can also reflect and guide the success of

habitat restoration projects and can identify the negative impacts of fires, landslides and poor resource management. Once these factors are identified, restoration efforts can be directed towards the most effective solutions.

3) Spawning area mapping (for fall Chinook salmon) and potential spawning area mapping (for spring Chinook salmon and steelhead), document the habitat that is created and which habitats salmon are using. These mapping studies are used to evaluate spawning habitat creation and maintenance. Spawning area mapping is used to evaluate the effectiveness of gravel injections, stream channel restoration and flow management. These studies provide the metrics for the CVPIA PAR goal for square feet of spawning habitat restoration.

4) Bulk sediment sampling is used to evaluate what sediment sizes salmon prefer for spawning, and what size sediment is produced in spawning areas by flow management and habitat restoration. Construction specifications can be changed to match the habitat created to the salmon's preferred spawning gravel quality. Sediment size information can also indicate if too much deleterious fine sediment is in salmon spawning area, or if the correct size gravel is being provided by gravel injections, stream channel restoration, and flow management. Excessive fine sediments can be managed through erosion control, channel maintenance flows, pulse flows, and reduction in fuels for wildfire.

SLDMWA Issue #9: CVPIA should describe how the various monitoring elements were developed and they should undergo an adaptive management approach to determine what type of monitoring works best for future projects.

Response: Systematic monitoring elements were developed as part of the Final Plan for the AFRP with individual monitoring efforts developed under individual programs. We hope to use Structured Decision Making to guide future monitoring efforts.

Letter 4: John McManus with Golden Gate Salmon Association, dated August 20, 214

McManus Issue #1: Bolster upstream rearing by restoring historic side channels

Response: Reclamation is working to get to a set of sites that the permitting agencies agree that warrant rehabilitation. Two new sites should be ready to go to construction with new side channel rearing habitat and gravel projects permitted for implementation by summer 2015.

McManus Issue #2: Fund additional study of existing fish screens on large intakes to determine extent of predation.

Response: Results from a National Marine Fisheries Service study are anticipated this upcoming fiscal year and should address this issue.

McManus Issue #3: Time to modernize release of fish salvaged from the Delta pumps

Response: In 2015, Reclamation will undertake a literature search and preliminary feasibility study on the net pen study through the Tracy Field Office. Results will determine if further studies would be merited.

Public meeting (PM) commenter 1, Stuart Robertson, Power & Water Resources Pooling Authority (submitted via comment card)

PM comment 1: The CVPIA is fragmented by too many individual programs.

Response: The CVPIA made steps to integrate across programs with the change in work plan format to individual project charters rather than program-based funding. The SDM method for project selection will integrate the programs and eliminate the “stovepipe” system that exists currently. SDM is anticipated to begin in 2015 and FY2016 projects will utilize the SDM tools to determine priority based on system needs for salmonids.

PM comment 2: It is unclear how projects contribute to the detrimental effects of the CVP.

Response: Program authorities are defined in PL 102-575, as are the program mandates. Projects aim to meet these mandates with a program goal completion in mind. Some programs, such as AFRP, list projects that when completed will result in complete program goals. Others strive for goal completion, such as HRP and land conservation. A pathway for completion was laid out in the August, 25, 2009 CVPIA Program Activity Review Report and can be found at: http://www.usbr.gov/mp/cvpia/docs_reports/index.html.

PM comment 3: CVPIA places too much emphasis on the need to acquire water for refuges.

Response: No specific objective way currently exists to prioritize between Refuge Water Supply and Fisheries Goals. Budgets attempt to provide reasonably consistent amounts from year to year within the variability of the 3-year rolling average so that programs can plan and execute projects. Planning currently occurs at a Program Level with individual Programs Although no longer possible for 2015, Reclamation and the Service will explore methods for overall CVPIA coordination in Fiscal Years 2016 and 2017 and can discuss how we prioritize refuge funding.

PM comment 4: Groundwater is an inappropriate means to supply refuge water during dry years and is contrary to the natural process.

Response: In dry years, groundwater may be the only source of water for refuges. Refuges provide highly managed lands with practices not necessarily link to processes prior to substantial development of water supply infrastructure.

PM comment 5: B2 water and diversion curtailment are payment in-kind by water and power users, but there is no process to account for these values.

Response: The CVPIA specifically dedicates a portion of project yield under the (b)(2) program and refuge level 2 supplies (d)(1) with no payment.

Thad Bettner; General Manager, Glenn-Colusa Irrigation District (comments provided during Public Comment period)

Thad Bettner comment 1: The selection of projects should consider actions that reduce constraints on project operations, e.g. ESA and Biological Options.

Response: ESA and Biological Opinions are considered and prioritized when those actions overlap with the goals and objectives of the CVPIA. Many of the monitoring and gravel augmentation projects reflect these priorities as well as operations under (b)(2). These overlaps are identified under “Related Programs” within the individual charters.

Thad Bettner comment 2: Projects should measure how they might improve the yield or affect the CVP.

Response: We can discuss incorporating this factor into prioritization under the Structured Decision Making framework for the Fish Resource Area scheduled for release in October.

Thad Bettner comment 3: Money should be spent on the CVP streams.

Response: The CVPIA seeks to improve the total number of Central Valley anadromous fish. Funding CVP streams only may not be the most effective method to achieve the overall goal. The AFRP plan calls for watershed specific fish populations in addition to CVP streams.

Paul Foresberg; Department of Fish and Wildlife, State of California (comments provided during Public Comment period)

Paul Foresberg comment 1: There should be an increase of coordination between Federal agencies & State agencies.

Response: Since 2013, the Refuge Water Supply Program (RWSP) facilitates a quarterly Stakeholder Technical Team (STT) in identifying and prioritizing water supply projects benefiting all Central Valley Project (CVP) customers, including wetland areas (refuges). The STT consists of state and federal agencies, private water districts (agriculture and M&I), and several non-government organizations. Periodically, the RWSP coordinates a Policy Team consisting of agencies', water districts', and NGOs' managers to discuss and resolve policy related issues involved with potential water supply projects identified by the STT. The STT, however, is not engaged in RWSP budgeting, which is considered confidential and an internal Department of the Interior matter until such time the President approves a federal budget for any given fiscal year (October 1st through September 30th).

Paul Foresberg comment 2: Level 2 conveyance is planned at 80% in 2015. Why is this less than 100%

Response: Generally speaking, Level 2 (L2) water and the delivery of such water supplies to refuges are considered reimbursable (meaning the CVP's and CVP water users' pay such costs), pursuant to the Central Valley Project Improvement Act (CVPIA). Because the RWSP budget is limited to a certain amount every fiscal year, which is subject to the President's approval, the RWSP must considering making trade-offs between activities, which in some years may require it to not do one, or a portion of, one activity in order to fund another. FY 2015 is a year when such a tradeoffs was made, i.e. convey less L2 in order to purchase Incremental Level 4[IL4] water. (Note: FY 2015, however, could be another very dry year; therefore, if very little water is available for purchase then acquisition funds could be available to convey full L2 supplies to refuges.)

Paul Foresberg comment 3: Work plan decisions should be coordinated with the State and the CVJV.

Response: Starting federal fiscal year 2015 and continuing into future FYs, the State must annually cost share (25%) all costs associated with the acquisition, delivery, and construction of Incremental Level 4 (L4) refuge water supplies. Therefore, the RWSP will engage the State (Department of Fish & Wildlife), in the planning of all RWSP activities related to IL4 water supplies. Such coordination with the State is likely to begin in the summer or fall well before the RWSP starts work on its annual work plan, which typically begins in early spring of each year. Regarding the state's cost share, consideration will be given regarding the state's contributions in support of CVPIA fishery resources.

Ellen Trescott; Adams Broadwell Joseph & Cardozo representing Grasslands Water District (comments provided during Public Comment period)

Ellen Trescott, comment 1: Can comments provided change the percent of L2 funding? What effects will comments have given a fixed budget authority?

Response: Please see above response to Paul Forsberg's Comment No. 2.

Jerry Toenyes; Northern California Power Agency (comments provided during Public Comment period)

Jerry Toenyes, comment 1: The goals and objectives are not sustainable because an increase in funding needs is driving the costs of water higher while the funding available is decreasing (income from water & power). Competition for acquiring incremental level 4 would drive all costs higher. Recommends goals drive project selection.

Response: During the Annual Work Plan Open House, the Refuge Water Supply Program presented information on trends in costs to acquire and convey water. Reclamation coordinates a Refuge Stakeholder Technical Team to address long-term water supply for refuges.

Jerry Toenyes, comment 2: The work plans should include the success towards fish and refuge water supply goals.

Response: The CVPIA is shifting to a Resource Area approach that will integrate across the different programs. The selected SDM framework will include metrics for success for 2016, but specifics are not feasible for the 2015 work plans.

Jerry Toenyes, comment 3: Work plans should address the greatest impediments first.

Response: See section on SDM in the Introduction; Recent Program Developments; Independent Reviews - Fisheries

Jerry Toenyes, comment 4: Current fish counts should be provided.

Response: Yearly estimates of natural production of anadromous fish and the average natural production by species within Central Valley rivers and streams is provided in the Annual Accomplishment Reports. The 2013 report containing the 2012 estimates can be found online at: www.usbr.gov/mp/cvpia/docs_reports/index.html. Please note that these estimates are for the previous year.